

HON’BLE SRI JUSTICE L. NARASIMHA REDDY

Writ Petition No.10691 of 2006

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Between:

Dorepalli Gangaraju ... Petitioner.

And

Sri Vegilingeswara Swamy vari

Devasthanam, Vegavaram,

West Godavati District and others.

... Respondents

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May 31, 2006

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ORDER:

Even from the averments made in the affidavit and the submissions made by the learned counsel for the petitioner, the conduct of the petitioner is reprehensible. On statutory termination of the lease, the petitioner surrendered possession of the land to the first respondent Devasthanam in the year 2002. However, on the pretext that the highest bidder did not pay the lease amount, the petitioner claims to have re-entered the land on his own accord and continued in possession without paying rent for the past several years. The mere fact that he submitted an application for being recognised as small farmer does not constitute a ground to interdict the proposed auction.

The writ petition is, therefore, dismissed. It is made clear that the Assistant Commissioner of Endowments, second respondent herein, shall consider and examine the application, if only the petitioner clears the arrears of rent for the years 2002 to 2006 and in default he shall reject the application in limine. In case the Assistant Commissioner certifies that the petitioner is a landless poor person, the auction of leasehold rights in the impugned notice will be subject to the result of the same.

L.NARASIMHA REDDY, J.

May 31, 2006.

ARS